

## **NOTICE TO COUNSEL AND LITIGANTS COURT ANNOUNCES CHANGES IN WEBSITE AND PROCEDURES**

Eighth Circuit and Eighth Circuit Bankruptcy Appellate Panel  
to Begin CM/ECF Implementation on December 18, 2006

On Monday, December 18, 2006, the Eighth Circuit will begin implementing the appellate version of CM/ECF, the federal courts' electronic filing and noticing system. The implementation will proceed in several stages, and it will require changes to the court's website and its operating procedures.

### **The Eighth Circuit's Website.**

Effective December 18, 2006, links to the full text of briefs will only be available through the PACER system. This means that access to briefs will no longer be free, and users must have a PACER account in order to access briefs. Briefs are subject to the \$.08 per page charge imposed by PACER, but the total charge for any document may not exceed \$2.40. As a result, no brief, regardless of its length, will ever cost more than \$2.40 to download or print. Casual users of PACER should note that PACER does not bill if a user's charges are less than \$10.00 in a calendar year. This effectively gives a casual PACER user access to four free briefs a year. If you have not signed up for PACER, you may register for the service by visiting the PACER website at <http://pacer.psc.uscourts.gov>

In addition to charging for access to briefs, beginning December 18, 2006, the court will also be required to charge for PACER access to orders, reports and case captions. All of the other items available on this website, including opinions, rules, calendars, oral arguments and forms, will remain free of charge.

### **VIA and Electronic Noticing.**

For many years, the court has maintained an electronic noticing system called *VIA* which allows the clerk to e-mail or fax notices to participants. CM/ECF will replace *VIA* with an e-mail-based noticing system. In CM/ECF, participants in a case who have provided the clerk with an e-mail address will receive an electronic "Notice of Docket Activity" when the court takes an action in a case. If counsel or parties have not provided the clerk with an e-mail address, their copies of the court's orders, calendars, opinions or other notices will be mailed to their physical address through the U.S. Postal Service.

The Notice of Docket Activity which is e-mailed to users contains a link to the order, opinion or other notice generated by the court. Users must click on this link in order to retrieve their copy of the document. There is no charge for this access. Please note, however, that like the bankruptcy and district court systems, this is the case participant's "one free look" at the document, and recipients of the Notice of Docket Activity should download the document if they wish to keep a permanent copy and

avoid future charges for viewing the document.

VIA users who have stated a preference for fax notices should note that CM/ECF does not provide for fax notices, and the court will only be able to e-mail notices after December 18, 2006. However, users may specify multiple e-mail addresses for their notices. If you are a VIA user and you have only provided the court with a fax number, please complete this form <http://www.ca8.uscourts.gov/newcoa/forms/signupFill.pdf> and return it to the court by clicking on the "SEND" button at the bottom of the form. If you do not provide an e-mail address, the clerk's office will mail your copy of the document through the U.S. Postal Service.

While participation in VIA has been voluntary, it is anticipated that CM/ECF will be mandatory for counsel and voluntary for pro se litigants. If you have not provided the court with an e-mail address, you should do so immediately. A form for providing the information is available here <http://www.ca8.uscourts.gov/newcoa/forms/signupFill.pdf>. Complete it and e-mail it to the court by clicking the "SEND" button at the bottom of the form.

### **Electronic Filing of Documents.**

The court plans to implement full electronic case filing (ECF) in Fall, 2007. The clerk anticipates making an announcement shortly concerning the initiation of an interim program which will permit counsel to electronically file documents other than briefs and appendices. The purpose of this interim program is to offer users full electronic access to every document filed in 2007 cases. Details of the program will be announced on this website.

Model rules for electronic filing are under development and will be placed on this website for public comment. The clerk anticipates that the rules will be ready for comment in the first quarter of 2007.